

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1009 of 1998

With

SPECIAL CIVIL APPLICATION No 1011 of 1998

With

SPECIAL CIVIL APPLICATION No 1012 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DARABSHA DHANJIBHAI BHAGAT

Versus

COMPETENT AUTHORITY AND ADDL COLLECTOR (ULC)

Appearance:

MR KK TRIVEDI for Petitioners

MR TH SOMPURA AGP for Respondent.

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 02/03/98

ORAL JUDGEMENT

Rule.

In the facts and circumstances of the case, the petitions are taken up for final disposal. I have heard Mr. Trivedi, learned counsel for the petitioners and Mr.

Sompura, learned AGP for the respondents.

2. These three petitions are filed by the same petitioners in respect of three different parcels of land situated in the Surat Urban Agglomeration Area. The petitioners had submitted applications under Section 21 of the Urban Land (Ceiling and Regulations) Act, 1976 (hereinafter referred to as "the Act") for exemption of the said lands from the provisions of the Act, for the purpose of constructing dwelling units for weaker section of the society. The grievance of the petitioners in this petition is that although their applications under Section 21 of the Act were made within the prescribed time limit, they are not decided even after lapse of more than four years. According to the learned counsel for the petitioners, the petitioners in Special Civil Appln. No.1009, 1011, 1012 of 1993 had submitted their applications under Section 21 of the Act on 12.11.93, 24.11.93 and 11.11.92 respectively. It is further submitted that in view of the in-action on the part of the respondents for all these years, the petitioners have no other alternative but to pray for a writ of mandamus to direct the authority to decide the aforesaid applications which are pending since last more than four years.

3. In response to the notice issued by this Court, Mr. Sompura, learned AGP, appears for the respondent Mr. Sompura has not disputed the aforesaid averments made on behalf of the petitioner.

4. In view of the aforesaid undisputed facts, it is clear that the respondents are required to be directed to decide the pending applications of the petitioners under Section 21 of the Act, as expeditiously as possible, since they have already been pending for the last four years or longer. It is accordingly directed that the respondents shall decide the petitioner's pending applications under Section 21 of the Act within three months from the date of receipt of this order.

5. It is clarified that the aforesaid direction is required to be issued, in view of the fact that the applications have been pending for the last four years or longer. This direction may not be treated as a direction to decide the applications one way or the other.

6. Rule is made absolute to the aforesaid extent.
No order as to costs.

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